

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MOHAMED BADURDEEN,

Plaintiff,

-against-

MACY’S, INC.,  
d/b/a Macy’s Credit Operations,

Defendant.

**VERIFIED COMPLAINT**

**COMPLAINT**

MOHAMED BADURDEEN (“Plaintiff”), through his attorneys, alleges the following against MACY’S, INC. d/b/a Macy’s Credit Operations (“Defendant”):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

**JURISDICTION AND VENUE**

2. Subject matter jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 47 U.S.C. § 227.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the acts giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant conducts business in the this district.

**PARTIES**

4. Plaintiff is a natural person at times relevant residing in Bronx, New York.

5. Defendant is a business entity incorporated in Delaware and headquartered in Ohio.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

7. Defendant started calling (212) 495-99xx, Plaintiff's cellular telephone.

8. Upon information and belief based on the frequency, number, nature, and character of these calls, Defendant placed them using an automatic telephone dialing system or other equipment that has the capacity to store and/or produce telephone numbers ("auto dialer").

9. The purpose of Defendant's calls was to collect a debt.

10. These calls were for a non-emergency purpose.

11. On April 21, 2015 at approximately 2:00 pm, Plaintiff instructed one of Defendant's employees to stop calling him.

12. Plaintiff revoked any consent, actual or implied, for Defendant to use an auto dialer to call his cell phone.

13. Defendant continued to use an auto dialer to call Plaintiff's cell phone.

14. Since April 21, 2015, Defendant used an auto dialer to place call Plaintiff's cell phone at least sixty-two (62) times.

15. Defendant voluntarily and willfully used an auto dialer to place these calls.

16. Defendant intended to use an auto dialer to place these calls.

17. Defendant did not have Plaintiff's express consent to use an auto dialer to place these calls.

**COUNT I**  
**DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

18. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

19. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, MOHAMED BADURDEEN, respectfully requests judgment be entered against Defendant, MACY'S, INC. d/b/a Macy's Credit Operations, for the following:

20. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

21. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

22. All court costs, witness fees and other fees incurred; and

23. Awarding such other and further relief as may be just, proper and equitable.

RESPECTFULLY SUBMITTED,

DATED: September 1, 2015

By: /s/ Shireen Hormozdi  
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**VERIFICATION OF COMPLAINT AND CERTIFICATION**

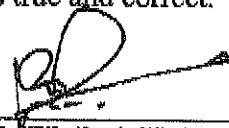
STATE OF NEW YORK

Plaintiff, MOHAMED BADURDEEN, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, MOHAMED BADURDEEN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

07/23/2015  
Date

  
\_\_\_\_\_  
MOHAMED BADURDEEN